

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 5 thereof and replacing therewith an entire new Chapter entitled "Amusements".

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 5, entitled "Amusements"; and

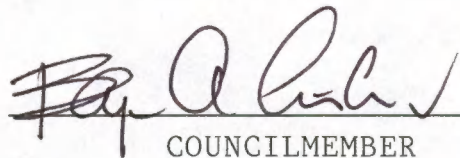
WHEREAS, this Chapter has not been reviewed nor amended since 1946; and

WHEREAS, many sections in this Chapter are either covered by State statute, are obsolete, or should be revised to agree with other chapters of the Municipal Code for continuity;

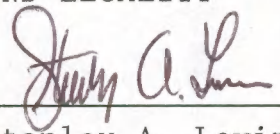
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 5 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 5.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY

  
Stanley A. Levine  
City Council Attorney

Read the first time in full and on motion by E. Starns, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S

DATE: 2-25-86 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_ Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST: (SEAL)

Sandra E. Kennedy PRESIDING OFFICER  
SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



EXHIBIT A

NEW CHAPTER 5

FORT WAYNE MUNICIPAL CODE REVISED

## New Index - Chapter 5

### AMUSEMENTS

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- 5-2. Penalty.

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- 5-4. Distributor's license.
- 5-5. Same -- Issuance and display of sticker; inspection.
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- 5-7. Same -- Signatures and information on application.
- 5-8. Amusement machine license.
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NEW TEXT - CHAPTER 5  
**Article I. In General**

New Sec. 5-1. Chairs, stools, etc., in lobby or passageways.

No chairs, stools or seats of any description shall be placed across the lobby, aisles or passageways in any theater, hall or public place, and it shall be the duty of the police force to see that the foregoing provision is strictly observed, and in case of any violation thereof forthwith proceed to clear any obstructed aisle, passageway or lobby and to arrest the offender.

New Sec. 5-2. Penalty.

Any violaton of this chapter shall constitute a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1,000.00).

**Article II. Amusement Machine Locations**

New Sec. 5-3. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AMUSEMENT MACHINE. Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object; provided, that the term "amusement machine" does not include coin-operated pool tables, musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

AMUSEMENT MACHINE LOCATION. The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

DISTRIBUTOR. Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. "Distributor" shall also mean the holder of any amusement machine location license.

New Sec. 5-4. Distributor's license.

A distributor's license shall also be required and obtained, and the annual distributor's license fee payable to the city controller shall be one hundred dollars (\$100.00) per year. The license will expire on January 31 of each year.

New Sec. 5-5. Same -- Issuance and display of sticker;



inspections.

Upon receipt of the application and fee for a license the city controller shall issue an amusement location machine license. The city controller shall then refer the application, license and a license sticker to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license and license sticker to the location. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge or maintaining the location to obtain a new sticker at a five dollar (\$5.00) fee per reissued sticker.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

The date of each inspection shall be written on the sticker by a member of the police department.

New Sec. 5-6. Location Licenses -- Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of one hundred dollars (\$100.00) for each amusement machine location.

New Sec. 5-7. Same -- Signatures and information on application.

The application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

- (a) The applicant's full name;
- (b) The applicant's resident address and telephone number;
- (c) The applicant's business address and business telephone number;
- (d) The address of the proposed amusement machine location;
- (e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;
- (f) Whether or not the applicant has been convicted of any felony, or of pandering, gambling, operation of a gambling device, operating of a gaming house or being a keeper of a house of



ill-fame or any other misdemeanor;

(g) Whether or not the applicant is, at the time of making the application, keeping or in any way connected with a gaming house or a house of ill-fame;

(h) Whether or not the applicant, or his or her spouse or any member of the applicant's household is a member or employee of the police department of the city; whether or not any member or employee of the police department of the city is interested in any way, either directly or indirectly, in the license applied for, the devices or operation of the same; and whether or not the applicant has received or borrowed money or anything else of value or accepted credit from any member or employee of such police department, or the spouse of any member of the household of any such member or employee.

(i) A statement whether the location has ever been the site of an arrest for illegal dispensing of alcoholic beverages.

All licenses issued by the city for coin-operated amusement devices and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-6 and other applicable provisions of this article.

#### New Sec. 5-8. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-7 or 5-9, shall not be returned and immediately becomes the property of the city controller.

#### New Sec. 5-9. Restrictions.

(a) No amusement machine device shall be operated within an amusement machine location so as to constitute a public nuisance.

(b) An amusement machine location license shall not be issued to any person who has been convicted of conducting gambling activities, or to any corporation or partnership, a member or principal shareholder who has been convicted of conducting gambling activities. No gambling activities shall be conducted on the premises of an amusement machine location under this article.

(c) The license required and described in section 5-6 shall be purely a personal privilege and shall not constitute property. It is not transferable in any manner.

(d) Each amusement machine in any amusement machine location



shall have an amusement license tag or sticker attached to it.

(e) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word "school" shall not be taken to include a university or college or institute of higher education

This article shall not apply to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.

(f) It shall be unlawful for an exhibitor or his employee to allow a child under sixteen (16) years of age who is subject to compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to operate an amusement machine between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session, or to remain at an amusement machine location after 10:00 p.m.

(g) It shall be unlawful for an exhibitor or his employee to allow a person who has not reached the age of eighteen (18) years to operate an amusement machine after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian or custodian; or to allow a person over the age of sixteen (16) years who has not yet reached the age of eighteen (18) years to remain at an amusement machine location after 11:00 p.m.

(h) It shall be unlawful for an exhibitor to have amusement machines on his premises unless a sign is conspicuously posted near any amusement machines which provides that no child under sixteen (16) years of age may operate an amusement machine from 7:00 a.m. to 2:30 p.m. on a day when the child's school is in session unless accompanied by a parent, guardian, or custodian; that no child over the age of sixteen (16) who has not reached the age of eighteen (18) may remain at an amusement machine location after 11:00 p.m.; and that no child who has not reached the age of sixteen (16) may remain at an amusement machine location after 10:00 p.m.

(i) Any holder of an amusement machine location license who operates in violation of the above restrictions; shall be subject to revocation or suspension of said license.

#### New Sec. 5-10. Violations and Penalties.

It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license.



New Article III. Theaters and  
Moving Picture Houses.

Division 1. Generally

New Sec. 5-11. License -- Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited, without having first procured a license from the city controller to do so.

New Sec. 5-12. Same -- Application; issuance; term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for a license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31st. Applications for renewals of licenses must be filed not more than 60 days prior to termination of the existing permit.

New Sec. 5-13. Same -- Fees.

The fees for licenses to be paid the controller shall be three hundred dollars (\$300.00) where alcoholic beverages are sold and two hundred dollars (\$200.00) where no alcoholic beverages are sold.

Division 2. Outdoor Drive-Ins.

New Sec. 5-14. Defined.

"Outdoor drive-in theater" as used in this article shall mean an open lot, an open area or other parcel of land, or part thereof, with its appurtenant facilities, devoted primarily to showing of moving pictures, motion pictures, or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

New Sec. 5-15. License -- Required.

It shall be unlawful for any person to construct, operate or maintain a theater within the city without having a valid license therefor in force and effect under the terms and provisions of this article.

New Sec. 5-16. Same -- Application.

Application for license issued hereunder shall be made upon application forms to be prepared and made available by the city



Controller and shall state:

- (a) The name and business address of the applicant and the address where such outdoor drive-in theater is located or is proposed to be located, and the business telephone number, home address, and home telephone number of the applicant.
- (b) The number of automobiles and patrons which the outdoor drive-in theater is designed to accommodate.
- (c) The hours of operation of such theater.
- (d) The general character of the performances to be given.

New Sec. 5-17. Same -- Fees; renewal date.

An application for license hereunder shall be accompanied by a non-refundable license fee of seventy-five dollars (\$75.00). Any license issued hereunder shall be renewable on the first day of May of each succeeding year after the date of issuance.

New Sec. 5-18. Same -- Issuance; renewal.

Within fifteen days after receipt of an application as provided herein, the city controller shall issue or renew a license hereunder when he finds:

- (a) That the applicant is capable of operating the proposed business in a manner consistent with public safety; and
- (b) That the requirements of this article and of all other governing laws and ordinances have been met.

New Sec. 5-19. Nudity visible from public street or highway prohibited.

It shall be unlawful for any licensee, ticket seller, ticket taker, motion picture machine operator or any other person connected with or employed by any licensee to show or exhibit at an outdoor drive-in theater, in the city, or to aid or assist in such exhibitions any motion picture, slide, or other exhibit which is visible from any public street or highway in which bare buttocks or the bare female breasts of the human body are shown or in which strip-tease, burlesque or nudist-type scenes constitute the main or primary material of such movie, slide or exhibit.

New Sec. 5-20. Severability of provisions of division.

Each word, phrase, paragraph and section of this division is hereby declared to be an individual section or provision, and the holding of any word, phrase, paragraph, or section to be void, ineffective or unconstitutional for any cause whatsoever, shall not be deemed to affect any other word, phrase, paragraph or section thereof or to circumstances or facts not connected with such holding.



AMUSEMENTS

**Article I. Amusement Machine Locations**

- 5-1. Definitions.
- 5-2. Distributor's license.
- 5-3. Location Licenses -- Required; application and fee generally.
- 5-4. Issuance and display of location license; inspection.
- 5-5. Same -- Signatures and information on application.
- 5-6. Amusement machine license.
- 5-7. Restrictions.
- 5-8. Violations.

**Article. II. Theaters and Moving Picture Houses**

Division 1. Generally

- 5-9. License -- Required.
- 5-10. Same -- Application; issuance; term.
- 5-11. Same -- Fees.

Division 2. Outdoor Drive-Ins

- 5-12. Defined.
- 5-13. License -- Required.
- 5-14. Same -- Application.
- 5-15. Same -- Fees; renewal date.
- 5-16. Same -- Issuance; renewal.
- 5-17. Severability of provisions of division.
- 5-18. Penalty.



## Article I. Amusement Machine Locations

### New Sec. 5-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AMUSEMENT MACHINE. Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object; provided, that the term "amusement machine" does not include coin-operated pool tables, musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

AMUSEMENT MACHINE LOCATION. The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

DISTRIBUTOR. Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. "Distributor" shall also mean the holder of any amusement machine location license.

### New Sec. 5-2. Distributor's license.

A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be one hundred dollars (\$100.00) per year. The license will expire on January 31 of each year.

### New Sec. 5-3. Location Licenses -- Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of fifty dollars (\$50.00) for each amusement machine location.

### New Sec. 5-4. Issuance and display of location license; inspections.

Upon receipt of the application and fee for a license the city



controller shall cause an amusement location machine license to be prepared. The city controller shall then refer the application and a license to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license to the location and the license will be deemed to be issued.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or, equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

The date of each inspection shall be written on the license by a member of the police department, on the date of such inspection.

New Sec. 5-5. Same -- Signatures and information on application for location licenses.

An application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

- (a) The applicant's full name;
- (b) The applicant's residence address and telephone number;
- (c) The applicant's business address and business telephone number;
- (d) The address of the proposed amusement machine location;
- (e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;
- (f) Whether or not the applicant has been convicted of any felony, or of any other misdemeanor;
- (g) A statement whether the location has ever been the site of an arrest for illegal dispensing of alcoholic beverages.

All amusement machine location licenses issued by the city for and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-3 and other applicable provisions of this article.

New Sec. 5-6. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any



person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge or maintaining the location to obtain a new sticker at a five dollar (\$5.00) fee per reissued sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-5 or 5-7, shall not be returned and immediately becomes the property of the city controller.

New Sec. 5-7. Restrictions.

(a) An amusement machine location license shall not be issued to any person who has been convicted under the laws of the State of Indiana of any gambling offense, or to any corporation or partnership, a member or principal shareholder who has been convicted under the laws of the State of Indiana of any gambling offense. No gambling activities shall be conducted on the premises of an amusement machine location under this article.

(b) The license required and described in section 5-3 is not transferable in any manner.

(c) Each amusement machine in any amusement machine location shall have an amusement license tag or sticker attached to it.

(d) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word "school" shall not be taken to include a university or college or institute of higher education

This article shall not apply to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.

(e) It shall be unlawful for an amusement machine licensee or his employee to allow a child under sixteen (16) years of age who is subject to compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to operate an amusement machine between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session, or to remain at an amusement machine location after 10:00 p.m.

(f) It shall be unlawful for an amusement machine licensee or his employee to allow a person who has not reached the age of eighteen (18) years to operate an amusement machine after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian or custodian; or to allow a person over the age of sixteen (16) years who has not yet reached the age of eighteen (18) years to remain at an amusement machine location after 11:00 p.m.

(g) It shall be unlawful for an amusement machine licensee to have amusement machines on his premises unless a sign is conspicuously posted near any amusement machines which provides that no child under sixteen (16) years of age may operate an amusement machine from 7:00 a.m. to 2:30 p.m. on a day when the



child's school is in session unless accompanied by a parent, guardian, or custodian; that no child over the age of sixteen (16) who has not reached the age of eighteen (18) may remain at an amusement machine location after 11:00 p.m.; and that no child who has not reached the age of sixteen (16) may remain at an amusement machine location after 10:00 p.m.

(h) Any holder of an amusement machine location license who operates in violation of the above restrictions; shall be subject to revocation or suspension of said license as provided for in Indiana Statute I.C. 36-4-5-5.

#### New Sec. 5-8. Violations.

It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license as provided for in Indiana State Statute I.C. 35-4-5-5.

### New Article II. Theaters and Moving Picture Houses.

#### Division 1. Generally

##### New Sec. 5-9. License -- Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited where an entry fee is charged without having first procured a license from the city controller to do so.

##### New Sec. 5-10. Same -- Application; issuance; term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for a license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31st. Applications for renewals of



licenses must be filed not more than 60 days prior to termination of the existing permit.

New Sec. 5-11. Same -- Fees.

The fees for licenses to be paid the controller shall be three hundred dollars (\$300.00) where alcoholic beverages are sold and two hundred dollars (\$200.00) where no alcoholic beverages are sold.

Division 2. Outdoor Drive-Ins.

New Sec. 5-12. Defined.

"Outdoor drive-in theater" as used in this article shall mean an open lot, an open area or other parcel of land, or part thereof, with its appurtenant facilities, devoted primarily to showing of moving pictures, motion pictures, or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

New Sec. 5-13. License -- Required.

It shall be unlawful for any person to operate or maintain a theater within the city without having a valid license therefor in force and effect under the terms and provisions of this article.

New Sec. 5-14. Same -- Application.

Application for license issued hereunder shall be made upon application forms to be prepared and made available by the city controller and shall state:

(a) The name and business address of the applicant and the address where such outdoor drive-in theater is located or is proposed to be located, and the business telephone number, home address, and home telephone number of the applicant.

(b) The number of automobiles and patrons which the outdoor drive-in theater is designed to accommodate.

(c) The hours of operation of such theater.

(d) The general character of the performances to be given.

New Sec. 5-15. Same -- Fees; renewal date.

An application for license hereunder shall be accompanied by a non-refundable license fee of seventy-five dollars (\$75.00). Any license issued hereunder shall be renewable on the first day of May of each succeeding year after the date of issuance.

New Sec. 5-16. Same -- Issuance; renewal.

Within fifteen days after receipt of an application as provided herein, the city controller shall issue or renew a license hereunder when he finds:

(a) That the applicant is capable of operating the proposed business in a manner consistent with public safety; and

(b) That the requirements of this article and of all other governing laws and ordinances have been met.



New Sec. 5-17. Severability of provisions of division.

Each word, phrase, paragraph and section of this division is hereby declared to be an individual section or provision, and the holding of any word, phrase, paragraph, or section to be void, ineffective or unconstitutional for any cause whatsoever, shall not be deemed to affect any other word, phrase, paragraph or section thereof or to circumstances or facts not connected with such holding.

New Sec. 5-18. Penalty.

Any violaton of this chapter shall constitute a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1,000.00).



BILL NO. S-86-02-28

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE MUNICIPAL  
CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE MUNICIPAL CODE OF 1974 TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Municipal  
Code of the City of Fort Wayne, Indiana, by deleting Chapter 5  
thereof and replacing therewith an entire new Chapter entitled  
"Amusements"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~) Withdraw

YES

NO

CONCURRED IN 422K

SANDRA E. KENNEDY  
CITY CLERK